

Docket No. 31611-3A

RECEIVED
CENTRAL FAX CENTER

PATENT

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being transmitted via facsimile to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 at facsimile number 571-273-8300 on November 13, 2006.

NOV 13 2006

*Bonnie S. Dale***IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: David B. Dunger : Paper No.:
 Serial No.: 10/761,505 : Group Art Unit: 1647
 Filed: January 21, 2004 : Examiner: Hamud, Fozia M.
 For: Use of Growth Hormone in Low Dose

TERMINAL DISCLAIMER

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Pharmacia AB, a corporation organized and existing under the laws of Sweden and having a business address at SE-112 87, Stockholm, Sweden, is the owner of the entire right, title and interest in the above-identified U.S. Patent Application Serial No. 10/761,505, by virtue of an Assignment recorded on July 5, 2001 in parent application Serial No. 09/804,775 at Reel 011968, Frame 0287.

Petitioner is also the owner of the entire right, title and interest in U.S. Patent No. 6,696,414 B2, by virtue of the aforementioned Assignment.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent issuing on U.S. Patent Application Serial No. 10/761,505 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 and §173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,696,414 B2. Petitioner hereby agrees that any patent issuing on U.S. Application Serial No. 10/761,505 shall be enforceable only for and during such period that it and U.S. Patent No.

11/14/2006 TL0111 00000045 10761505
 02 FC:1014
 130.00 0P

Serial No. 10/761,505
Terminal Disclaimer filed November 13, 2006

RECEIVED
GENERAL FAX CENTER

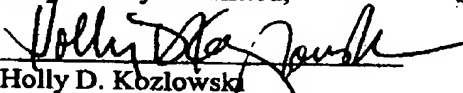
NOV 13 2006

6,740,062 B2 are commonly owned. This agreement runs with any patent issuing on U.S. Application Serial No. 10/761,505 and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent issuing on U.S. Application Serial No. 10/761,505 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of U.S. Patent No. 6,696,414 B2, as presently shortened by any terminal disclaimer, in the event that such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Please charge the \$130.00 fee required for filing this Terminal Disclaimer to our Visa Account. Form PTO-2038 is attached.

Respectfully submitted,


Holly D. Kozlowski
Registration No. 30,468
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568

1323207v1